IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1023 of 1990

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

G.S.DESAI AND/OR HIS SUCCESSOR IN THE OFFICE OF

Versus

M.K.VYAS

Appearance:

1. Special Civil Application No. 1023 of 1990

MR PR NANAVATI for Petitioner No. 1-2

MR MD RANA for Respondent No. 1

MR JR NANAVATI for Respondent No. 2

MR LB DABHI ASST GOVT PLEADER for Respondent No. 3

CORAM : HON'BLE DR.JUSTICE J.N.BHATT

Date of decision: 03/08/2004

ORAL JUDGEMENT

The challenge in this petition under Article 227 of the Constitution of India, is against the order of

Gujarat Affiliated Colleges Services Tribunal at Ahmedabad in Application No.111 of 1987 dated 22nd August, 1989 whereby, the claim made by the respondent herein was allowed directing the petitioner to pay to the respondent / applicant before the Tribunal salaries in the pay scale of Rs.500-900/- with effect from 1st February, 1981.

2. In course of hearing, this Court has taken through the factual matrix and relevant legal profile. The impugned order of the Tribunal is dispassionately examined. The direction to the petitioner by the Tribunal for the payment of entitled scale to the respondent, could not be shown or nothing has been spelt out from the record which would even remotely suggest that the direction contained in the impugned order of the Tribunal is any way contrary to the provisions of the law or that it has resulted into miscarriage of justice.

3. The jurisdictional sweep of this Court under Article 227 of the Constitution of India decided, circumscribe in a very short circumference. The power of superintendence under Article 227 of the Constitution of India is to see that whether the authority who has passed the impugned order, judgment or any award has followed proper procedure. It is not the quality of the decision challenged but the requisite procedure prescribed under the law answering eligibility to satisfy the principles of natural justice, are observed or not. This proposition of law has been time and again very well expounded by catena of judicial pronouncements. The latest decision wherein such proposition of law on this point is reiterated in case of Sadhna Lodh v. National Insurance Co. Ltd., [2003] 3 SCC 524.

4. Since, the petition is against the impugned order of the Tribunal and only by invocation of provisions of the Article 227 of the Constitution of India, in that light, this Court finds no any substance and merits in this petition. Petition, therefore, shall stand dismissed. No order as to costs.

Rule discharged.

Date : 3.8.2004 [J.N.Bhatt, J.]

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